

Chapter7

Involving the Police and Adult Protective Services

Abuse, neglect, and exploitation happen to thousands of adults in Maine every year. Many people are uncomfortable talking about these problems, especially if the abuser is a family member or friend. Help is available if people are aware of the problem and take steps to report it.

Police/Fire/Rescue

In an emergency situation, housing staff should follow the protocol outlined in Chapter 6. The 911 responders (police, fire and/or emergency medical) will know what to ask about the situations and what protocols to follow.

There are, however, several steps that housing staff can take before a crisis arises to establish an effective working relationship with local public safety officials.

Contact police, fire and EMS departments and give them a general profile of the population housed in your building.

Request in-service education for your staff to introduce them to public safety officials and educate them on what they can expect after placing a call to 911. Ask them for advice on how staff can best respond to a crisis situation.

Host a "Meet the Police" community policing event in your building. Encourage residents to attend. Ask the police to offer free photo taking for emergency identification and notification cards to have on file at the police station and with the building manager.

Adult Protective Services

The Maine Department of Human Services' Bureau of Elder and Adult Services is responsible for providing or arranging for services to protect adults who are unable to protect themselves from abuse, neglect, or exploitation. Adult Protective Services staff also petition for Public Guardianship and/or Conservatorship of incapacitated adults when all less restrictive alternatives have failed.

Adult Protective Services clients are victims of physical abuse, unreasonable confinement, neglect, financial exploitation, and sexual abuse. Verbal abuse, intimidation, and deprivation of food, water, or medical care are other forms of danger to which clients are subjected. Danger may also include self-abuse or self-neglect. APS clients include the homeless, the mentally ill, those with substance abuse problems, the frail elderly, and those with medical problems or persons with disabilities.

Abuse

Abuse includes actions that result in bodily harm, pain or mental distress. Examples of abuse are:

- Pushing, hitting, shaking, pulling hair
- Tying to a bed or chair, or locking in a room
- Forcing into sexual activity
- Giving the wrong medicine or too much medicine on purpose
- Denying visits with friends or family
- Harassment or verbal threats.

Neglect

Neglect is a failure to provide care and services when an adult is unable to care for himself or herself. Neglect may be at the hands of someone else or it may be self-neglect. Neglect includes failure to provide:

- Adequate shelter
- Personal care
- Medical attention or necessary medication
- Necessities such as glasses, dentures, hearing aides, walkers.

Exploitation

Exploitation is illegal or improper use of an adult's money or property for another person's profit or advantage. Examples of exploitation include:

- Forcing an adult to change a will or sign over control of assets
- Forcing an adult to sell or give away property or possessions
- Keeping the adult's pension or social security check.

Who may receive these services?

Any dependent or incapacitated adult who may be in danger of abuse, neglect or exploitation may receive assistance from Adult Protective Services. A dependent adult is a person who is wholly or partially dependent upon other people for care and support, either emotional or physical, and who would be in danger if that care and support were withdrawn. An incapacitated adult is a person who lacks sufficient understanding to make or communicate decisions about his or her own person or property. These adults may need someone else to make some or all of their decisions for them.

What can adult protective services staff do?

- Investigate reports of abuse, neglect or exploitation
- Arrange services to help make adults safe

- Arrange services to allow adults the most personal freedom possible
- Seek Guardianship and/or Conservatorship of adults who are unable to make these decisions for them.

Guardianship/Conservatorship

Guardianship/Conservatorship provides protection and care for incapacitated adults. Only a Probate Court can declare an adult to be incapacitated and appoint a guardian or conservator. The court uses the opinion of a licensed physician or psychologist in making this decision.

Any able and willing adult may be a guardian or conservator. If there is no private individual able and willing to assume the responsibility, then the Department of Human Services may be appointed a public Guardian or Conservator.

Making reports

Adult Protective Services Intake is available 24 hours a day. If you suspect that an incapacitated or dependent adult has been abused, neglected or exploited, or if an incapacitated adult needs a guardian or conservator and there is no private person willing or suitable to serve, please call APS at 1-800-624-8404. You will be asked to provide the information you know about the adult. The information requested will include personal identifying information as well as any information you have on the adult's mental capacity, physical dependency, and danger or risk of danger concerns. The more information you can provide, the better the intake staff can assess the situation and make the appropriate referrals.

Talking To Older Victims Of Domestic Violence

➡ Ask about abuse

Lead into questions about abuse: "Because many of the people I work with are hurt by family members, I ask questions about relationships and abuse."

The questions may include:

- How are things going with your spouse (or adult child)?
- Are you getting out with your friends?
- Are you afraid of your spouse (or other family member?)
- Does anyone ever threaten or force you to do things you do not want to do?
- Have you ever been forced to do sexual acts you do not wish to do?

If the answer to any of the above is "Yes," ask for more information and ask questions such as, "How are you staying safe?"

If the answer to all of the above is “No,” you may wish to make a statement like, “If a family member ever does hurt you, or you know someone who is being hurt, there are people who can help. Feel free to contact me for information if you ever need it.”

➡ **Things to listen to and watch for**

From a potential victim . . .

- Has repeated “accidental” injuries
- Appears isolated
- Talks about or hints at being afraid
- Considers or attempts suicide
- Has a history of substance abuse (including prescription drugs)
- Presents as a “difficult” patient or client
- Has vague, chronic complaints
- Is unable to follow through on treatment plans or medical care
- Exhibits severe depression.

From a potential abuser . . .

- Is verbally abusive to staff in public or is charming and friendly to service providers
- Says things like “he’s difficult,” “she’s stubborn,” “he’s so stupid,” or “she’s clumsy”
- Attempts to convince others that family member is incompetent or crazy
- Is “overly attentive” to the family member
- Controls the family member’s activities
- Refuses to allow interview or exam to take place without being present
- Talks about the family member as if he or she is not a person.

Intervention: At Least Do No Harm

- ➡ DO everything possible to give the victim a sense of hope by:
 - Believing the account of the abuse
 - Sharing that abuse can happen to anyone and the victim is not alone
 - Affirming that the victim is not to blame for the abuse
 - Planning for safety or finding someone who can
 - Offering options and giving information about resources or finding someone who can
 - Allowing the victim to make decisions about next steps (returning power to the victim)
 - Keeping information shared by the victim confidential
 - Documenting the abuse with photographs, body maps, and victim statements.
- ➡ DO NOT do anything that further isolates, blames, or discourages victims, such as:
 - Telling the victim what to do (e.g., “you should leave immediately”)
 - Judging a victim who returns to an abusive relationship
 - Threatening to or ending services if a victim does not do what you want
 - Breaking confidentiality by sharing information with the abuser or other family members

- Blaming the victim for the abuse (“If only you had tried harder or done this, the abuse might not have happened”)
 - Reporting abuse to the authorities without permission from the victim (unless mandated by law). If you are a mandated reporter, tell the victim what you are doing and why. Help the victim with safety planning or find someone who can.
 - Document opinions (“He’s drunk and obnoxious,” or “She’s hysterical and overacting”). These statements are opinions and may not be accurate. However, they can be used against a victim in court.
- ➡ DO NOT collude with the abuser and give him or her more power and control by:
- Accepting excuses from the abuser and supporting the violence (“I can understand how much pressure you are under. These things happen.”)
 - Blaming drug abuse, stress, anger, or mental illness for the abuse. Abusers must be held accountable for their actions.
 - Minimizing the potential danger to the victim or yourself if you offer help. Arrange for appropriate security for the victim and your staff when working with potentially lethal batterer (e.g., has made homicidal/suicidal threats or plans, owns weapons, is fixated on victim).

Work Collaboratively

- To learn more about potential interventions, contact local domestic abuse and/or sexual assault, victim/witness, or call **Adult Protective Services at 1-800-624-8404**, 24-hours a day.
- With the victim’s permission, refer to appropriate agencies for assistance.
- Use experts in a variety of fields as case consultants on difficult cases. Bring challenging cases to a multi-disciplinary team for review, ensuring client confidentiality.

Resources And Further Reading

1. Maine Community Policing Institute, The University of Maine at Augusta, 46 University Drive, Augusta, ME 04330. Originally funded through a grant from the U.S. Department of Justice in 1997, MCPI has evolved into a self-sustaining organization devoted to delivering education, training, and technical assistance with community policing programs. For information, contact Noel March, MCPI Director, at 1-800-734-2991, ext. 3480.
2. TRIAD, a 3-way effort among local sheriffs' offices, police departments, and the American Association of Retired Persons (AARP) aimed at reducing victimization of older citizens and enhancing delivery of law enforcement services to this population. For more information about TRIAD services and programs in your area, contact your local police department.
3. *Adult Abuse, Neglect and Exploitation*, published by the Bureau of Elder & Adult Services. For more information, or to order a copy, call 1-800-262-2232, or visit their web site at www.state.me.us/dhs/beas